ELMO S. MOTON, COMPLAINANT, VS. ATTY. RAYMUNDO D. CADIAO, RESPONDENT.

A.C. No. 5169. November 24, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case is a verified letter-complaint for disbarment[1] against Atty. Raymundo D. Cadiao, for violation of the lawyer's oath.

The antecedent facts show that on September 29, 1987, complainant Elmo S. Moton filed with the Regional Trial Court, Quezon City, a civil complaint against Pablito M. Castillo and The Philippine Veterans Bank denominated as Right to Use Urban Land and Damages.[2]

On August 14, 1990, when the case was scheduled for pre-trial conference, the complainant's counsel, Atty. Raymundo D. Cadiao, failed to appear, hence, the court dismissed the case.[3] On August 15, 1990, Atty. Cadiao filed with the trial court an entry of appearance for the complainant and a motion for reconsideration of the dismissal of the case.[4] Acting on the motion, the court set aside the August 14, 1990 order of dismissal and reset the pre-trial conference on May 5, 1991.[5]

On May 5, 1991, upon motion of Atty. Cadiao, the court declared the defendant Castillo in default and allowed plaintiffs to present their evidence ex-parte before a Commissioner.[6] It turned out that the court appointed Commissioner was on official leave. Consequently, plaintiffs filed a motion for appointment of a substitute Commissioner. The court granted the motion in an order dated June 28, 1991. The reception of evidence was set on August 13, 1991.[7]

On August 2, 1991, Atty. Cadiao filed a motion to reset the hearing from August 13, 1991 to August 26, 27, 28 or 29, 1991, for the reason that he had to attend a scheduled hearing in Antique.[8] At the hearing of the motion on August 9, 1991, respondent was absent because he had left for Antique. Therefore, the court denied the motion to reset hearing. A subsequent motion for reconsideration with prayer to set case for reception of evidence was similarly denied.[9]

On November 20, 1991, Atty. Cadiao filed with the Court of Appeals a petition for certiorari alleging that the trial court acted with grave abuse of discretion amounting to lack of jurisdiction when it dismissed the case. On October 23, 1992, the Court of Appeals dismissed the petition for lack of merit.[10]

On January 20, 1993, respondent filed with the Court of Appeals a Withdrawal of Appearance.[11]

Hence, this complaint.[12]

After conducting hearings at which respondent was allowed to adduce evidence, on November 28, 1998, the Commission on Bar Discipline, Integrated Bar of the Philippines, submitted its Report finding respondent Atty. Raymundo D. Cadiao liable for negligence in handling the complainant's case and recommended that Atty.

Cadiao be fined Two Thousand (P2,000.00) Pesos with a warning that any similar negligence will be dealt with more severely.[13]

In his answer to the complaint filed with the Commission on Bar Discipline,[14] Atty. Raymundo D. Cadiao contended that the main reason for the undue delay in the presentation of evidence in Civil Case No. Q-51909 was the inability of the complainant to furnish him with the original copies of the evidence and that his failure to appear during the scheduled hearing was due to a compelling need to appear in another case in Antique which made it impossible for him to attend both hearings.

Canon 18, Rule 18.03 of the Code of Professional Responsibility provides that a lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable. In this case, by reason of Atty. Cadiao's negligence, actual loss has been caused to his client Elmo S. Moton. He should give adequate attention, care and time to his cases. This is why a practising lawyer may accept only so many cases that he can efficiently handle. Otherwise, his clients will be prejudiced. Once he agrees to handle a case, he should undertake the task with dedication and care. If he should do any less, then he is not true to his lawyer's oath.

In light of the foregoing, the Court agrees with the findings of the Commission on Bar Discipline, Integrated Bar of the Philippines, declaring respondent liable for negligence in the handling of complainant's case.

ACCORDINGLY, the Court resolved to impose on respondent Atty. Raymundo D. Cadiao a fine of P2,000.00 payable to this Court within ten (10) days from notice, with warning that a repetition of similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

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[1] Dated May 30, 1995, filed by Elmo S. Moton.

[2] Docketed as Civil Case No. Q-51909.

[3] Record, Commission on Bar Discipline, p. 64.

[4] Ibid., at pp. 65-66.

[5] See Report, p. 2, Record, p. 83.

[6] Record, p. 67.

[7] Record, p. 68.

[8] Record, pp. 69-70.

[9] Record, p. 9; Report, p. 2, Record, p. 83.

[10] Record, pp. 21, 71-75.

[11] Rollo, p. 12.

[12] Rollo, p. 1.

[13] Rollo, pp. 80-85.

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[14] Filed on December 26, 1995, Rollo, pp. 14-17.

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